

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Anthony John Oliveri, Jr and Debra Lynn Oliveri

Debtors

Citizens Bank, N.A., or its Successor or Assignee  
Movant

vs.

Anthony John Oliveri, Jr and Debra Lynn Oliveri  
Jack N Zaharopoulos

Respondents

Chapter 13

Bankruptcy No. 5:23-bk-02286-MJC

**SETTLEMENT STIPULATION**

WHEREAS, on October 4, 2023, Anthony John Oliveri, Jr and Debra Lynn Oliveri (the "Debtors") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Pennsylvania;

WHEREAS, on January 4, 2024, Citizens Bank, N.A. (Movant) filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(a) (the "Motion") regarding property located at: 105 Carverton Road, Trucksville, Pennsylvania 18708;

WHEREAS, Movant and the Debtors are desirous of settling the dispute among and between themselves;

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and among counsel for Movant, by and through its attorneys, MARISA M. COHEN, ESQUIRE, and ANDREW M. LUBIN, ESQUIRE, and the Debtors, by and through their counsel, Michael A. Cibik, Esquire ("Debtors' Counsel") as follows:

1. The parties hereby certify that the post-petition delinquency is \$3,277.32, consisting of one (1) post-petition payment in the amount of \$805.24 for October 21, 2023; one (1) post-petition payment in the amount of \$847.51 for November 21, 2023; one (1) post-petition payment in the amount of \$833.42 for December 21, 2023; and one (1) post-petition payment in the amount of \$791.15 for January 21, 2024. Debtors' current monthly mortgage payment is \$791.15. Movant has incurred attorney fees and costs totaling \$1,249.00, thereby increasing the post-petition arrearage to \$4,526.32.

2. Within thirty (30) days of the date of this Stipulation, the Debtor shall file an Amended

Chapter 13 Plan to provide cure for the balance of the post-petition delinquency in the amount of \$4,526.32 as referenced in Paragraph 1 of this Stipulation.

3. Upon filing of the Amended Chapter 13 Plan, Movant shall amend its Proof of Claim to include the balance of the post-petition delinquency in the amount of \$4,526.32 as referenced in Paragraph 1 of this Stipulation.

4. Debtor shall resume making regular monthly mortgage payments in the amount. of \$860.33 beginning on February 21, 2024.

5. All payments are to be made payable to Citizens Bank, N.A. at the following address: P.O. Box 2800, Glen Allen, VA 23058.

6. The last four digits of your loan number 4794. Please remember to write your entire account number on the lower left-hand corner of your payment to ensure proper processing.

7. Should Debtors fail to comply with any of the terms of this Stipulation, including but not limited to, failure to file an Amended Chapter 13 Plan providing for cure of the post-petition delinquency, failure to make the above described payments, or any regular monthly mortgage payment commencing after the cure of the post-petition delinquency, then Movant may send Debtors and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel for Movant may file a Certification of Default with the Court. Said Certification of Default may include a certification of Debtors' failure to pay subsequent payments that fall due after the date of the notice of default. Upon Certification, the Court shall enter an Order granting relief from the automatic stay as to the mortgaged property.

8. In the event the Debtors convert their case to Chapter 11, the terms of this Stipulation shall remain in full force and effect. In the event that Debtors convert their case to a Chapter 7, Debtors shall cure all pre-petition and post-petition arrears within ten (10) days of the date of conversion. Failure to cure the arrears shall constitute an event of default under this Stipulation and Movant may send Notice of Default and certify default as set forth in the preceding paragraph.

9. Attorney fees and costs for issuing Notice to Cure, Notice / Certificate / Affidavit of Default, and order for relief are recoverable and may be added to the arrearage.

10. Counsel for Debtor has authority to settle this matter on behalf of his/her clients.

/s/ Andrew M. Lubin

Marisa M. Cohen, Esquire  
Andrew M. Lubin, Esquire  
McCabe, Weisberg & Conway, LLC  
1420 Walnut Street, Suite 1501  
Philadelphia, PA 19102

02/23/2024

Date

/s/ Mike Assad

Michael A. Cibik  
Cibik & Cataldo  
1500 Walnut Street, Suite 900  
Philadelphia, Pennsylvania 19102

02/23/2024

Date

/s/ Agatha McHale, Staff Attorney for Jack N. Zaharopoulos

Agatha McHale, Staff Attorney for  
Jack N. Zaharopoulos  
Standing Chapter 13 (Trustee)  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036

04/08/2024

Date